

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION

PERDUE PROPERTIES, LLC; BADEAUX  
HOLDINGS, LLC; DIAMOND P ENTERPRISES,  
INC.; RHETT STEVEN GUERIN; AND  
POINT NEBO, LLC

PLAINTIFFS

VS.

CIVIL ACTION NO. 5:15-cv-47(DCB)(MTP)

THE UNITED STATES OF AMERICA;  
BRUCE HAM; WAYNE SMITH; 17, LLC;  
SCOTT LINDSEY, Individually and as  
de facto partner in the entity that  
is the successor-in-interest of  
17, LLC; JOHN ANDREW GRIFFIN,  
Individually and as de facto partner  
in the entity that is the successor-  
in-interest of 17, LLC; GIBSON REAL  
ESTATE, INC., d/b/a GIBSON REALTY &  
LAND COMPANY; and John Does 1-10

DEFENDANTS

ORDER

This cause is before the Court sua sponte to remove a stale motion from the docket. On October 3, 2016, the Court entered an Order of Dismissal (docket entry 115) reflecting that the parties have settled all claims except (1) those asserted against the United States by the plaintiffs, and (2) those asserted against the United States by co-defendant 17, LLC. The Order explicitly dismisses, inter alia, all claims asserted by 17, LLC, Scott Lindsey, John Andrew Griffin, and Gibson Real Estate, Inc. against Wayne Smith.

The Court therefore finds that 17, LLC, Scott Lindsey, John Andrew Griffin, and Gibson Real Estate, Inc. have settled their claims against Wayne Smith. Consequently, Wayne Smith's Motion to

Dismiss the Cross-Claim of 17, LLC, Scott Lindsey, John Andrew Griffin, and Gibson Real Estate, Inc. pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure (docket entry 105) is moot.

Accordingly,

IT IS HEREBY ORDERED that Wayne Smith's Motion to Dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure **(docket entry 105)** is DENIED AS MOOT.

SO ORDERED, this the 21st day of October, 2016.

/s/ David Bramlette  
UNITED STATES DISTRICT JUDGE